

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

# **FREEDOM FROM RELIGION FOUNDATION, INC.**

**Plaintiff,**

-VS-

CASE NO. 1-16: CV-00233

**GOVERNOR GREG ABBOTT, in his official and individual capacities, and JOHN SNEED, Executive Director of the Texas State Preservation Board, in his official capacity,**  
**Defendants.**

## **NOTICE OF RECENT SUPPLEMENTAL AUTHORITY**

The Plaintiff, Freedom From Religion Foundation, Inc. (“FFRF”), brings to the Court’s attention recent additional relevant authority. In *Draego v. City of Charlottesville*, VA, 2016 U.S. Dist. LEXIS 159910 (W.D. Va., November 18, 2016), the district court for the Western District of Virginia addressed some of the same issues raised in the case pending before this Court, including issues relating to offensiveness as a prohibited basis for speech restriction; viewpoint and content discrimination as constituting a deeply suspect basis for regulation of speech; and impermissibly granting discretion, combined with overbreadth and vagueness infirmities.

A true and correct copy of the *Draego* decision is attached to this pleading for the Court's convenience.

Dated this 23rd day of November, 2016.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system on this the 23rd day of November, 2016, which will send notification to the following:

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*/s/ Richard L. Bolton* \_\_\_\_\_

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